

## State Water Resources Control Board

Division of Drinking Water

November 28, 2016

Pam Jarecki, Office Manager  
Lake of the Woods Mutual Water Company  
7025 Cuddy Valley Road  
Frazier Park, CA 93225

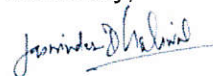
**RE: LAKE OF THE WOODS MUTUAL WATER COMPANY (WATER SYSTEM NO. 1510023)  
COMPLIANCE ORDER FOR VIOLATION OF NITRATE MCL**

Enclosed is Compliance Order No. 03\_19\_16R\_006 that the State Water Resources Control Board, Division of Drinking Water (hereinafter State Board) is issuing to the Lake of the Woods Mutual Water Company (hereinafter Water Company) for a violation of the California Safe Drinking Water Act. The Water Company has been serving water to consumers that fails the primary maximum contaminant level (MCL) for nitrate (as nitrogen) of 10 milligrams-per-liter. As discussed in the compliance order, the Water Company shall develop and implement a plan to resolve the nitrate MCL violation and ensure that water served to consumers meets all drinking water standards.

Please note that on or before December 30, 2016, the Water Company is required to submit a written response to the State Board indicating its agreement to comply with the directives of the compliance order and with the Corrective Action Plan addressed in the said compliance order. **On or before January 31, 2017, the Water Company is required to present the Corrective Action Plan, required under Directive No. 6 of the compliance order, to the State Board in person at the State Board's office located at 4925 Commerce Drive, Suite 120, Bakersfield, California 93309. The deadline to achieve compliance with the nitrate MCL is January 1, 2020.** Until the State Board determines that the Water Company is in compliance with the nitrate MCL, the Water Company must continue to provide quarterly public notification for nitrate. After providing quarterly public notification, a copy of the public notice, along with a completed Certification of Public Notification form, should be submitted to the State Board's Bakersfield Office. **Failure to comply with deadlines and directives specified in the compliance order will result in further enforcement action by the State Board.**

If you have any questions regarding this matter, please contact me at (661) 335-7318 or Carl Carlucci, Supervising Sanitary Engineer at (559) 447-3132.

Sincerely,



Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer, Tehachapi District  
State Water Resources Control Board  
DIVISION OF DRINKING WATER

Enclosure: Compliance Order No. 03\_19\_16R\_006

CC: Kern County Dept. of Public Health, Environmental Health Services Division (w/out enclosure)  
Robert Stowell, President, Lake of the Woods Mutual Water Company

1 CALIFORNIA  
2 STATE WATER RESOURCES CONTROL BOARD  
3 DIVISION OF DRINKING WATER

4 TO: Lake of the Woods Mutual Water Company Water System  
5 (System No. 1510023)  
6 ATTN: Pam Jarecki, Office Manager  
7 Lake of the Woods Mutual Water Company  
8 7025 Cuddy Valley Rd. Unit F  
9 Frazier Park, CA 93225

10 CERTIFIED MAIL

11  
12 COMPLIANCE ORDER NO. 03\_19\_16R\_006  
13 FOR  
14 VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a)(1)  
15 AND THE PRIMARY DRINKING WATER STANDARD FOR NITRATE  
16 Dated November 28, 2016

17 The State Water Resources Control Board (hereinafter "State Board"), acting by and through  
18 its Division of Drinking Water and the Deputy Director for the Division (hereinafter "Deputy  
19 Director"), hereby issues this compliance order (hereinafter "Order") pursuant to Section  
20 116655 of the California Health and Safety Code (hereinafter "CHSC") to Lake of the Woods  
21 Mutual Water Company for violation of CHSC section 116555(a)(1) and Title 22, California  
22 Code of Regulations (hereinafter "CCR"), Section 64431.  
23  
24  
25  
26  
27

**APPLICABLE AUTHORITIES**

**CHSC, Section 116555(a)(1) states in relevant part:**

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

**CHSC, Section 116655 states in relevant part:**

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the State Board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.



Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A**  
**Maximum Contaminant Levels**  
**Inorganic Chemicals**

<i><b>Chemical</b></i>	<i><b>Maximum Contaminant Level, mg/L</b></i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

\* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Title 22, CCR Section 64432.1 (hereinafter "Section 64432.1") provides in relevant part:

**Section 64432.1**

...

(a)(1) The water supplier shall require the laboratory to notify the supplier within 24 hours whenever the level of nitrate in a single sample exceeds the MCL, and shall ensure that a contact person is available to receive such analytical results 24-hours a day. The water supplier shall also require the laboratory to immediately notify the State Board of any acute

1  
2 nitrate MCL exceedance if the laboratory cannot make direct contact with the designated  
3 contact person within 24 hours. Within 24 hours of notification, the water supplier shall:

4 (A) Collect another sample, and

5 (B) Analyze the new sample; if the average of the two nitrate sample results exceeds the  
6 MCL, report the result to the State Board within 24 hours. If the average does not exceed the  
7 MCL, inform the State Board of the results within seven days from the receipt of the original  
analysis.

8 (C) If a system is unable to resample within 24 hours, it shall notify the consumers by issuing  
9 a Tier 1 Public Notice pursuant to section 64463.1 and shall collect and analyze a  
confirmation sample within two weeks of notification of the results of the first sample.

10  
11 **STATEMENT OF FACTS**  
12

13 The State Board is informed by the Lake of the Woods Mutual Water Company Water System  
14 (hereinafter "Water System") and believes that the Water System is a community water system  
15 located in Kern County that supplies water for domestic purposes to approximately 945  
16 individuals through approximately 401 service connections. The Water System operates under  
17 Domestic Water Supply Permit No. 03-19-11P-025, issued on December 30, 2011, by the  
18 California Department of Public Health. The Water System is a community public water  
19 system, as defined in CHSC, Section 116275.  
20

21 The Water System utilizes five groundwater wells (Well 01-Cardon, Well 02-Vernon, Well 04,  
22 Well 06-Dark Canyon, and Well 07) as its source of domestic water. Title 22, CCR, Division 4,  
23 Chapter 15, Article 4, establishes primary drinking water standards and monitoring and  
24 reporting requirements for inorganic constituents. Community and nontransient noncommunity  
25 water systems must comply with the maximum contaminant level for nitrate of 10. mg/L as  
26 nitrogen (N), as established in Title 22 CCR Section 64431. Previously, the maximum  
27

contaminant level for nitrate was 45. mg/L as nitrate ( $\text{NO}_3$ ). Starting January 1, 2016, all nitrate results shall be reported as N.

On September 12, 2014, the State Board issued Compliance Order No. 03\_19\_14O\_002 to the Water System for violation of source capacity requirements of the California Waterworks Standards. The Water System received emergency funding from the State Board to mitigate the water capacity problems. Well 07 (PS Code: 1510023-016) was drilled using emergency funding from the State Board. After drilling Well 07, a sample was collected on September 24, 2015, from the well that showed a nitrate (as N) concentration of 14 mg/L, which was higher than the nitrate (as N) MCL of 10. mg/L. A confirmation sample was collected on October 14, 2015, from Well 07 and showed a nitrate (as  $\text{NO}_3$ ) concentration of 71 mg/L in the well, which was still higher than the nitrate (as  $\text{NO}_3$ ) MCL of 45. mg/L. Due to the high nitrate concentration in Well 07, a nitrate blending treatment plant was proposed by the Water System. In the beginning of 2016 and due to the Water System not being able to meet its water demand, the Water System requested that the State Board allow the use of Well 07 without nitrate blending treatment. On January 27, 2016, the State Board allowed the use of Well 07. The Water System provided public notice of its inability to meet the nitrate MCL on January 27, 2016, and on January 28, 2016. On February 9, 2016, the Water System placed Well 07 in service for the first time. On March 11, 2006, the State Board issued Citation No. 03\_19\_16C\_012 for the nitrate MCL violation of Well 07. The nitrate blending treatment was completed in September 2016. Well 01 and Well 02 are part of the nitrate blending treatment. The nitrate level in Well 01 (PS Code: 1510023-005) has been rising and the last sample collected on September 9, 2016, from the well showed a nitrate concentration of 10 mg/L as N. Due to nitrate level rising in Well 01, the continuous nitrate analyzer (installed as part of the



1  
2 nitrate blending treatment) kept Well 07 shutting down after the testing of the nitrate blending  
3 treatment plant started in September 2016. Due to drought conditions in the area, the  
4 production capacity of the other wells has been dropping to the extent that the Water System  
5 has been hauling water to meet the system demand and prevent water outages. In order to  
6 offset the cost of hauling water, the Board and the Water System decided that Well 07 should  
7 be used to its maximum capacity by turning off the feature in the nitrate blending treatment  
8 plant that causes Well 07 to shut down. Therefore, the nitrate concentration in blended water  
9 now constantly exceeds the nitrate MCL. The Water System has been providing public notice  
10 of its inability to meet the nitrate MCL. The last public notice to the customers was provided on  
11 September 30, 2016. The last nitrate sample from Well 07 was collected on September 29,  
12 2016, and the result was 17 mg/L as N.  
13  
14  
15

#### 16 **DETERMINATIONS**

17 Based on the above Statement of Facts, the State Board has determined that the Water  
18 System has violated CHSC, Section 116555 and Section 64431, in that the water produced by  
19 Well 07 exceeded the nitrate MCL. Well 01 is also on the verge of violating the nitrate MCL.  
20  
21

#### 22 **DIRECTIVES**

23  
24 Lake of the Woods Mutual Water Company is hereby directed to take the following actions:

- 25 1. On or before January 1, 2020, comply with Title 22, CCR, Section 64431 and remain in  
26 compliance.  
27

2. On or before December 30, 2016, submit a written response to the State Board indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment A, hereto, of Water System's failure to meet the nitrate MCL. The quarterly notification must include the most recent quarterly nitrate results.
4. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 3, herein above, within 10 days following each such notification, using the form provided as Attachment B, hereto.
5. Commencing on the date of service of this Order, collect quarterly samples for nitrate from Well 07, as required by Section 64432.1(a)(2), and ensure that the analytical results are reported to the State Board electronically by the analyzing laboratory, no later than the 10<sup>th</sup> day following the month in which the analysis was completed.
6. Prepare for State Board approval a Corrective Action Plan identifying improvements to the Water System designed to correct the water quality problem (violation of the nitrate MCL) and ensure that the Water System delivers water to consumers that meets primary drinking water standards. The plan shall include a time schedule for completion of each of the phases of the project such as design, construction, and startup, and a date as of which the Water System will be in compliance with the nitrate MCL, which date shall be no later than January 1, 2020.



7. On or before January 31, 2017, present the Corrective Action Plan required under Directive No. 6, above, to the State Board in person at the State Board's office located at 4925 Commerce Drive, Suite 120, Bakersfield, California 93309.
8. Timely perform the State Board approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
9. On or before January 31, 2017, and every three months thereafter, submit a report to the State Board in the form provided as Attachment C, hereto, showing actions taken during the previous calendar three months to comply with the Corrective Action Plan.
10. Not later than ten (10) days following the date of compliance with the nitrate MCL, demonstrate to the State Board that the water delivered by Water System complies with the nitrate MCL.
11. Notify the State Board in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer  
State Water Resources Control Board  
Division of Drinking Water, Tehachapi District  
4925 Commerce Drive, Suite 120  
Bakersfield, California 93309

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water

System.

The State Board reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be deemed effective upon issuance.

Nothing in this Order relieves Water System of its obligation to meet the requirements of the California SDWA, or any regulation, standard, permit or order issued thereunder.

#### **PARTIES BOUND**

This Order shall apply to and be binding upon Water System, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.


#### **SEVERABILITY**

The Directives of this Order are severable, and Water System shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

#### **FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Board to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the

requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Board. The Board does not waive any further enforcement action by issuance of this Order.

  
Carl L. Carlucci, P.E., Chief  
Central California Section  
State Water Resources Control Board  
Division of Drinking Water

11-28-2016  
Date



Certified Mail No. 7015 1660 0000 0781 8794

Attachments

Attachment A: Public Notification Template  
Attachment B: Certification of Completion of Public Notification Template  
Attachment C: Quarterly Progress Report Template

Cc: Kern County Environmental Health Services Department (w/o attachments)  
Robert Stowell, President, Lake of the Woods Mutual Water Company  
Jude, Urueta, Distribution Operator, Lake of the Woods Mutual Water Company

CC/jsd/ojj



## **Attachment A**

### **Nitrate Public Notification Template**

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

### DRINKING WATER WARNING

Lake of the Woods Mutual Water Company water has high levels of nitrate

**DO NOT GIVE THE WATER TO  
INFANTS UNDER 6 MONTHS OLD OR PREGNANT WOMEN  
OR USE IT TO MAKE INFANT FORMULA**

To prevent water outages in the distribution system, Lake of the Woods Mutual Water Company has using the new well (Well 7) that was placed into service February 9, 2016, to supply domestic water. Well 07 has a history of high nitrates and produces water exceeding the nitrate maximum contaminant level (MCL) of 10 mg/L (nitrate as nitrogen). Results of the samples collected from the well, during the first and second quarters of 2016, exceeded the nitrate MCL of 10 mg/L (nitrate as nitrogen), and we previously provided quarterly public notification for that. A water sample collected on \_\_\_\_\_, from Well 7, showed nitrate level of \_\_\_\_\_mg/L (as nitrogen). The result is above the nitrate standard or MCL of 10 mg/L (as nitrogen). Because of previous history of high nitrates, Well 07 does not consistently produce water that meets the nitrate standard. Nitrate in drinking water is a serious health concern for infants less than six months old.

#### What should I do?

- **DO NOT GIVE THE WATER TO INFANTS.** *Infants below the age of six months who drink water containing nitrate in excess of the MCL may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. Symptoms in infants can develop rapidly, with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.*
- **PREGNANT WOMEN SHOULD NOT CONSUME THE WATER.** *High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.*
- Water, juice, and formula for children under six months of age should not be prepared with tap water. Bottled water or other water low in nitrates should be used for infants until further notice.
- **DO NOT BOIL THE WATER.** Boiling, freezing, filtering, or letting water stand does not reduce the nitrate level. Excessive boiling can make the nitrates more concentrated, because nitrates remain behind when the water evaporates.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

## What happened? What is being done?

Nitrate in drinking water can come from natural, industrial, or agricultural sources (including septic systems, storm water run-off, and fertilizers). Levels of nitrate in drinking water can vary throughout the year. We will let you know if the amount of nitrate is again below the limit.

The nitrate blending station (to blend water from Wells 01, 02 and 07) is built and ready to go into service. We continue to experience water shortage due to further drop in production capacity of our wells and/or mechanical problems with the wells. To supplement our supplies and keep the distribution system pressurized, we have been hauling water at a considerable rate. Recently, two of our wells needed to have new motors and pumps installed. Well #1 which is part of the nitrate blending is our biggest producer. Rising nitrate level in Well 01 is causing disruption of the nitrate blending treatment, and leading to constant shutdown of Well 07. All of our wells are now running. Despite that, we are experiencing water shortage. Therefore, **it is critical that all customers conserve water and not use any water for irrigation and outdoor activities (washing cars, etc.).** Due to ongoing water shortage and to prevent threatened water outage, we are not able to provide nitrate blending treatment at this time, as was previously planned, and have to use Well 07 without nitrate blending treatment. Therefore, we are on a high nitrate notification until further notice. Lake of the Woods Mutual Water Company will notify you once the water supplied to you is below the nitrate MCL.

Long term solution to our water supply shortage and high nitrate problem is physical consolidation with the neighboring Frazier Park Public Utilities District (FPPUD). We are working closely with the FPPUD to accomplish that.

For more information, please contact Pam Jarecki, Office Manager, Lake of the Woods Mutual Water Company at (661) 245-1448 or the State Water Resources Control Board, Division of Drinking Water at (661) 335-7315.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

## Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Lake of the Woods Mutual Water Company.

State Water System ID#: 1510023. Date distributed: \_\_\_\_\_.



## **Attachment B**

### **Certification of Completion of Public Notification Template**

## Certification of Completion of Public Notification

**(Include a Copy of Public Notice with the Certification of Completion of Public Notification)**

This form, when completed and returned to the Division of Drinking Water – Tehachapi District (4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 or fax to 661-335-7316), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

**Public Water System Name:** \_\_\_\_\_ Lake of the Woods Mutual Water Company \_\_\_\_\_

**Public Water System No.:** \_\_\_\_\_ 1510023 \_\_\_\_\_

Public notification for nitrate MCL violation for the (                      ) Quarter of \_\_\_\_\_

was performed by the following method(s) (check and complete those that apply):

- ☐ The notice was mailed to users on: \_\_\_\_\_  
A copy of the notice is attached.
- ☐ The notice was hand delivered to water customers on: \_\_\_\_\_  
A copy of the notice is attached.
- ☐ The notice was published in the local newspaper on: \_\_\_\_\_  
A copy of the newspaper notice is attached.
- ☐ The notice was posted at conspicuous places on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of locations the notice was posted is attached.
- ☐ The notice was delivered to community organizations on: \_\_\_\_\_  
A copy of the notice is attached.  
A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers

Enforcement Action No. 03\_19\_16R\_006

## **Attachment C**

### **Quarterly Progress Report Template**



# Quarterly Progress Report

Water System:	<b>Lake of the Woods Mutual Water Company</b>	Water System No.:	<b>1510023</b>
Compliance Order No.:	<b>03_19_16R_006</b>	Violation:	<b>Nitrate MCL</b>
Calendar Quarter:		Date Prepared:	

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Tehachapi District Office.

**Summary of Compliance Plan:**

**Tasks completed in the reporting quarter:**

**Tasks remaining to complete:**

**Anticipate compliance date:**

**Name**

**Signature**

**Title**

**Date**